

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A space keeper for vertebrae or intervertebral disks comprising:
a tube having a first end, a second end and tubular section defined by an outer wall, and
having a longitudinal axis extending from the first end to the second end and a bore extending
along the longitudinal axis through the tube, wherein the outer wall of the tube has a plurality of
openings extending transversely through the outer wall to the bore, and wherein a pattern of the
plurality of openings is repeated in the outer wall along the longitudinal direction;

a base plate connected with ~~[[an]]~~the first end of the tube-tubular section, the base plate
having a first section extending past the first end of the tube away from the second end of the
tube in the longitudinal direction outside the tubular section; and

a top plate connected with the base plate and configured to engage a vertebral body end
plate, wherein the top plate is tiltable relative to the first section of the base plate about an angle
to the longitudinal axis of the tube-tubular section;

~~a plurality of openings in the outer wall of the tubular section;~~ and

wherein the base plate comprises a second section that extends in a direction away from
the top plate and that engages with the tube-tubular section.

2. (Currently Amended) The space keeper of claim 1 further comprising an elastic
member located between the top plate and the base plate to cushion the prosthetic.

3. (Canceled)

4. (Currently Amended) The space keeper of claim 1 wherein the openings of the tube
~~tubular section~~ are lozenge-shaped.

5. (Currently Amended) The space keeper of claim 2 wherein the top plate has teeth extending in the longitudinal direction to ~~[[that]]~~engage a ~~wall of a~~ vertebral body end plate.

6. (Withdrawn) The space keeper of claim 1, wherein the base plate defines a convex contact face and a first annular recess; the top plate defines a concave recess and a second annular recess wherein the concave recess is congruent with the convex contact face; and the space keeper further comprises a ring that is located between the first annular recess and second annular recess wherein the ring contacts the first annular recess and second annular recess.

7. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a concave contact face and a first annular recess; the top plate defines a concave recess and a second annular recess; and the space keeper further comprises:

a biconvex shaped core positioned between the base plate and the top plate, the core defining a top convex face and a base convex face that engage the concave contact face and concave recess, respectively, the core also defining a top annular recess and a base annular recess; and

a first ring located between the first annular recess and base annular recess and a second ring located between the top annular recess and second annular recess.

8. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a concave contact face; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a top plan-convex lenticular body defining a top convex face, a base plan-convex lenticular body defining a base convex face, and a plan-parallel plate between the top plan-convex lenticular body and base plan-convex lenticular body, the core defining a bore, said top convex face engaging the concave recess and said base convex face engaging the concave contact face; and

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate.

9. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a concave contact face; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a top plan-convex lenticular body defining a top convex face and a first annular recess, a base plan-convex lenticular body defining a base convex face and a second annular recess, said top convex face engaging the concave recess and said base convex face engaging the concave contact face, the core also defining a bore;

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate; and

a ring located between the first annular recess and second annular recess.

10. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a flat face; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a plan-convex lenticular body defining a top convex face and a plan-parallel plate, said top convex face engaging the concave recess and said plan parallel plate being located between the flat face and the plan-convex lenticular body, the core also defining a bore; and

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate.

11. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a flat face having a first annular recess; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a plan-convex lenticular body defining a top convex face and a second annular recess, said top convex face engaging the concave recess, the core also defining a bore;

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate; and

a ring located between the first annular recess and second annular recess.

12. (Currently Amended) A space keeper for vertebrae or intervertebral disks comprising:

a ~~tube tubular section~~ having a first end and a second end, a longitudinal axis extending from the and having a first end to the and a second end, and a bore extending along the longitudinal axis through the tube, wherein a plurality of openings extend transversely through the tube to the bore, and wherein a pattern of the plurality of openings is repeated in the tube along the longitudinal direction;

a first element proximate to the first end of the ~~tube tubular section~~ wherein the first element has a base plate connected with the first end of the ~~tube tubular section~~, a top plate connected with the base plate and configured to engage a vertebral body end plate, and an elastic member located between the top plate and the base plate, wherein the base plate includes a first section extending past the first end of the tube away from the second end of the tube in the longitudinal direction outside the tubular section; and

a second element proximate to the second end of the ~~tube tubular section~~ wherein the second element has a base plate connected with the second end of the ~~tube tubular section~~, a top plate connected with the base plate and configured to engage a vertebral body end plate, and an elastic member located between the top plate and the base plate, wherein the base plate includes a first section extending past the second end of the tube away from the first end of the tube in the longitudinal direction outside the tubular section;

wherein the top plates are tiltable relative to the first sections of the corresponding base plates about an angle to the longitudinal axis of the ~~tube, and tubular section;~~

~~wherein the tubular section defines a plurality of openings; and~~

wherein each of the base plates comprises a second section that extends in a direction away from the corresponding top plate and that engages with the ~~tube tubular section.~~

13. (Cancelled)

14. (Currently Amended) The space keeper of claim 12 wherein the openings of the ~~tube tubular section~~ are lozenge-shaped.

15. (Currently Amended) The space keeper of claim 12 wherein each top plate has teeth extending in the longitudinal direction to ~~[[that]]~~engage ~~a wall of~~ a vertebral body end plate.

16. (New) The space keeper of claim 1 wherein the pattern of the plurality of openings forms a grid pattern in the outer wall.

17. (New) The space keeper of claim 16 wherein the grid pattern is repeated along the longitudinal direction.

18. (New) The space keeper of claim 17 wherein the total area of open portions in the tube exceeds the total area of wall portions.

19. (New) The space keeper of claim 5 wherein the second end of the tube has teeth extending in the longitudinal direction to engage a second vertebral body end plate.

20. (New) The space keeper of claim 1 wherein the tube is a cylindrical casing.

21. (New) The space keeper of claim 1 wherein the second section of the base plate extends inside the bore of the tube.

22. (New) The space keeper of claim 21 wherein the first end of the tube abuts the first section of the base plate.

23. (New) The space keeper of claim 1 wherein the pattern of the plurality of openings is continuously repeated in the outer wall along the longitudinal direction from the first end to the second end.

24. (New) The space keeper of claim 1, wherein the pattern of the plurality of openings comprises a first row of openings, and wherein the pattern of the plurality of openings is repeated as a second row of openings adjacent the first row of openings in the longitudinal direction and staggered with respect to the first row of openings.